

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/524,437
Applicant : Jurgen Fischer
Filed : August 2, 2005
Art Unit : 3683
Examiner : Christopher P. Schwartz
Docket No. : 1179_034 US01 (3029447 US01)
Confirmation No.: 4456
Customer No. : 72,742
Title : CONTROLLABLE PISTON VALVE AND/OR FLAT VALVE
FOR A VIBRATION DAMPER

Mail Stop: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT WITH TRAVERSE

Sir:

In response to the Restriction Requirement, dated March 3, 2008 and pursuant to 35 USC §121 and MPEP §818, Applicant herein provisionally elects, with traverse, to prosecute Species A (Fig. 1) and subspecies a2 (Fig. 2a) and Claims 1, 3, 4, 8, 9, 10 and 15, which are readable thereupon.

With regard to the non-elected claims, Applicant herein respectfully submits that if any of the generic claims of the above-captioned application are found allowable, that the pending Restriction Requirement will be withdrawn. Otherwise, Applicant retains the right to file divisional applications to the non-elected subject matter.

Applicants respectfully traverse this Restriction Requirement since the subject matter of all of the pending claims – is sufficiently related that a thorough and complete search for the subject matter of the elected claims would necessarily encompass a thorough and complete search for the subject matter of the non-elected claims. Thus, it is

respectfully submitted that search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is clearly stated that “[i]f the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits.” It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and improper duplicative examination by the Patent Office given that the claimed apparatus and method can be searched in similar classes and relate to sufficiently similar subject matter so as not to burden the Examiner. In this instance, it is not believed the difference in the species that have been identified by the Examiner hinder the search that can be performed on the claimed invention.

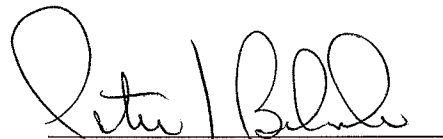
Applicant believes entry of this Response is sufficient and therefore expedited examination of the elected claims is respectfully requested at this time.

If the Examiner wishes to expedite disposition of the above-captioned patent application, she is invited to contact Applicant’s representative at the telephone number below.

A One (1) Month Extension of Time accompanies this response pursuant to 37 C.F.R. §1.136(a). The Director is hereby authorized to charge any additional fees or credit any underpayments to Deposit Account No.: 50-3010.

Respectfully submitted,

HISCOCK & BARCLAY, LLP

A handwritten signature in dark ink, appearing to read "Peter J. Bilinski", written over a horizontal line.

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